

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTHA JANE TOY,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
PLUMBERS & PIPEFITTERS	:	No. 05-1814
LOCAL UNION NO. 74 PENSION	:	
PLAN, et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 21st day of April, 2005, it is hereby **ORDERED** that:

1. The Complaint is **DISMISSED with prejudice** pursuant to the doctrine of res judicata.¹
2. The Clerk of Court is directed to close this case.

BY THE COURT:



Berle M. Schiller, J.

¹ On November 1, 2004, this Court entered an Order dismissing with prejudice the case of *Toy v. Plumbers & Pipefitters Local Union No. 74 Pension Plan, et al.*, Civ. A. No. 04-4312. On April 14, 2005, following an appeal of that Order, the case was settled and a stipulation of dismissal with prejudice was filed pursuant to Federal Rule of Appellate Procedure 42(b). The Complaint in that case was essentially identical to the Complaint in the instant action, which alleges the same claims and concerns the same parties. Therefore, the instant action is barred on grounds of claim preclusion, or res judicata. See *Eastern Minerals & Chems. Co. v. Mahan*, 225 F.3d 330, 336 (3d Cir. 2000) (“Under the doctrine of claim preclusion, a final judgment on the merits of an action involving the same parties (or their privies) bars a subsequent suit based on the same cause of action.”).